

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	CRIM NO. 04-10260-RCL
V.)	
)	
CARLOS A. HOWELL)	

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5

Comes now the United States of America, by Michael J. Sullivan, United States Attorney, and Theodore B. Heinrich, Assistant United States Attorney for the District of Massachusetts, and Walter Underhill, counsel for defendant, and files this Joint Memorandum Pursuant to Local Rule 116.5(A)(1)-(7):

(1) There is no present need for relief from the timing requirements of Local Rule 116.3. The government has agreed to a largely open file discovery policy for this case. In the event that there are any disputes, the defendant requests an additional one month to file a discovery letter pursuant to Local Rule 166.3(A).

(2) The Defendants and the government request reciprocal discovery concerning expert witnesses. The parties agree to the following dates for such discovery, subject to approval by the Court: The government shall provide the requested expert material four weeks prior to a firm trial date. Defendants shall provide requested expert discovery two weeks prior to a firm trial date.

(3) The parties do not presently anticipate providing additional discovery as a result of future receipt of information, documents, or reports of examinations, but recognize their continuing duties concerning discovery.

(4) A motion date should be established. The parties request that such a date be set two months from today, on or about December 22, 2004.

(5) The defendant was arraigned on September 10, 2004. The Court previously excluded time in this case from September 10, 2004 through and including October 8, 2004. In addition, the Court should exclude the time from today, October 21, 2004 to December 22, 2004, or the date the Court determines the defendant's motions will be due. See 18 U.S.C. 3161(h)(1)(F) and (8)(A).

(6) The parties are presently proceeding in the view that trial will be necessary, although additional discussions concerning resolution are anticipated. The length of trial will be approximately two days, but certainly less than one week.

(7) The Court should schedule a final status conference on or about December 23, 2004 to determine the progress of discovery and whether any discovery or pre-trial motions will be filed.

Walter Underhill, counsel for the defendant, has reviewed and agreed to this joint report.

Respectfully submitted,

/s/ Theodore B. Heinrich

THEODORE B. HEINRICH
ASSISTANT UNITED STATES ATTORNEY